

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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|---------------------------------------|---|--|
| SECOND AMENDMENT ARMS, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. 10-CV-4257 |
| |) | Judge Robert M. Dow, Jr. |
| CITY OF CHICAGO, et al., |) | Magistrate Judge Sheila M. Finnegan |
| |) | |
| Defendants. |) | |

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE
INSTANTER A MEMORANDUM IN SUPPORT OF THEIR
MOTION TO DISMISS IN EXCESS OF FIFTEEN PAGES**

Defendants City of Chicago (the "City"), Mayor Rahm Emanuel, Superintendent of Police Garry McCarthy, and Susana Mendoza (collectively, "Defendants"), by their counsel, Stephen R. Patton, Corporation Counsel of the City of Chicago, hereby move this Court for leave to file instanter a memorandum in excess of 15 pages in support of their Motion to Dismiss Counts I, III, and VIII-XVIII of the Second Amended Complaint ("Complaint") filed by Plaintiffs Second Amendment Arms, R. Joseph Franzese, Robert M. Zieman, Sr., ICarry, and Shaun A. Kranish, and Tony Kole (collectively, "Plaintiffs"). In support of their motion, Defendants state as follows:

1. In their eighteen-count Complaint, Plaintiffs challenge many different provisions contained in the City's Responsible Gun Owners' Ordinance (the "Ordinance"), enacted on July 2, 2010 by the Chicago City Council. They bring their claims under myriad provisions of the United States Constitution, the Illinois Constitution, and various federal and state laws.

2. Defendants have moved to dismiss that portion of Count I of the Complaint which challenges the City's Zoning Ordinance and Counts III and VIII-XVIII in their entirety. Several of the counts which Defendants are moving to dismiss contain multiple claims and theories.

3. Pursuant to Local Rule 7.1, Defendants' memorandum in support of its motion to dismiss cannot exceed fifteen (15) pages in length without the approval of this Court.

4. In light of the large number of counts Defendants are seeking to dismiss and the numerous claims contained in certain counts, Defendants require a total of twenty-four pages to adequately raise all of the grounds upon which they seek dismissal. A copy of Defendants' proposed Memorandum in Support of Their Motion to Dismiss is attached hereto as Exhibit 1. Without the additional pages, Defendants would have to abandon important grounds for dismissal and/or not fully develop them for the Court's consideration.

5. Defendants have attempted to keep their arguments as short as possible so as to minimize the amount of additional space required.

6. Defendants' counsel conferred with Plaintiffs' counsel about Defendants's request to file an enlarged brief, and Plaintiffs have no objection provided they are permitted the same number of pages in response.

WHEREFORE, Defendants respectfully request that this Court grant Defendants leave to file instant a brief in support of their motion to dismiss of no more than twenty-four pages and in the form attached hereto as Exhibit 1, and grant Defendants such further relief as the Court deems just and appropriate.

Date: November 4, 2011

Respectfully submitted,

STEPHEN R. PATTON,
Corporation Counsel for the City of Chicago

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